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MILLBURY, MASS.  
MINUTES

BOARD OF HEALTH

Date: July 18, 2012

PRESENT: Armand White, James Morin, Judith O'Connor  
Inspectors: Derek Brindisi, Seth Peters, Andrea Crete

ABSENT:

GUESTS: Chris Surmis (Royal House of Pizza)  
Don Keavary Jr., Esq., Tom Moreire, Ken Salsman (Treeline Construction)

Meeting called to order at 10:00 A.M. by chairman Armand White.

Minutes: A motion to accept the minutes for the June 13<sup>th</sup> 2012 meeting was made by Jim Morin. Seconded by Judy O'Connor. Vote unanimous.

Office Update: Julie presented a letter prepared by Jim Malley regarding septic odor complaints from 183 Wheelock Ave. The board reviewed, agreed Jim Malley will proceed to gain access to inspect septic.

Concrete Wastewater has permit to haul concrete waste water to Upper Blackstone. They are hauling concrete to R.I., for processing, question if they need a trash hauler permit. Board agreed no, if they are hauling concrete only.

Julie gave update on final reimbursement received for flu clinics.

Julie addressed Armand regarding 12 Draper Road and 188 Millbury Ave., as he and Matt Armendo had been active on these complaints. The board and Derek agreed, the properties will be re-inspected and proceed with court if necessary.

Julie addressed Armand regarding 12 Johnson St. with the complaint of using an outdoor smoker. Discussion was held regarding the amount of smoke that was being emitted. Armand recommended if the resident would like, he would personally go to the residence to see first hand how much smoke is being emitted and if it is offensive to the neighbors.

Vouchers: Vouchers were signed by those present.

Health Agent Report:

23 West St. Armand is handling, cleaning is progressing.

Derek addressed the board regarding 2013 and two additional towns in the coalition, Holden and W. Boylston. He presented a draft showing the inspection protocol. He personally feels Millbury does not need a full time inspector. He's in the process of hiring a person for 20 hours a week for Millbury. Derek, Seth and Andrea will handle Millbury until this new inspector is hired. Also, he hired student interns to inspect low risk food establishments.

Armand stated the objective is to get the inspections done by qualified people. Asked for new inspectors numbers to update emergency call list.

Judy requested proof of documentation showing frozen food from a food bank has to be dated. Jim stated if not repackaged, no new date is established. Inspector had told her it's the law, a date has to be on the packaged meat. A large quantity was thrown away, into a dumpster because no date was on it. She feels inspectors should take a trip to the Worcester County Food Bank to see how their operation is handled. Derek wants to confirm they are not repackaging the meats. Derek will look into the law, Seth offered to look into the health risk of old frozen food. Derek stated the inspector could have put an embargo on the meat until a determination was made.

Armand welcomed new inspectors, stating work with the people. As long as establishments are willing to work with you, keep it small town friendly.

Derek proposed putting out for bid to hire a consultant to inspect the high risk establishments, high volume food, as a lot of time is spent on those inspections. Lessen the burden on day to day inspectors by having a consultant come in. Judy stated she would rather have a part time inspector for Millbury who can do all inspections, instead of the City of Worcester also paying for a consultant. Derek stated Millbury will have both. A part time inspector 20 hours per week and a consultant to do the high risk/volume establishments.

Armand recommended the board agree and if a consultant doesn't work for Millbury, it can be addressed at that time.

Old Business: Armand tabled old business for a future meeting.

Other Business: Armand addressed Mr. Surmis regarding his food permit renewal and his arrears on taxes. Last year he was to make a payment schedule with the tax collector, which was not done. Judy stated a good faith effort could have been made. She went to his business to talk with him personally, he was not available. She is not in favor of closing his business, however, the town manager is enforcing this bylaw. Several places in town have closed due to the bad economy. Mr. Surmis stated he spoke with the tax collector, Denise, and he needs to put down a large amount of money to start a payment plan. He does not have the money. Jim

recommended Mr. Surmis meet with Denise and Bob Spain to try to work something out. Armand agreed with Judy and Jim, does not want to shut him down. They will allow two weeks to hear back if an agreement was reached. A two week temporary food permit will be issued.

Treeline Construction: Attorney Don Keavany Jr., attorney for Treeline Construction presented himself with Tom Moreire, project manager and Ken Salsman, president of Treeline Construction Inc.

Don stated site plans have been submitted to the Planning Board to obtain modifications to a 2007 site plan for a 2 phase operation. First, to process concrete and rubble materials and second, to process imported materials.

Armand addressed Derek, as he met with the representatives previously. Derek stated there is a number of approvals that Treeline will require. The Board of Health will need to hold a public hearing. Town council will draft a letter outlining all the requirements needed by Treeline. DEP will not issue a permit without the local Board of Health's full approval. Derek also stated DEP also needs a copy of the plans to address the issues of air quality, dust, possible water contamination, noise issues, traffic control, etc.

Armand and Jim outlined Treeline's track record of non compliance. The concern is public health. Understanding DEP will not approve without Millbury's full approval, they will move forward with holding a public hearing to have public input.

Armand asked is any outstanding issues, Derek stated Jim Malley had issues with septic being non compliant and the plant has been operating without proper permitting from the town and DEP. Don stated they are operating a construction yard with approved variance through the local ZBA. Don also recommended a site visit by the board, as many things have been updated. Members stated they would consider it.

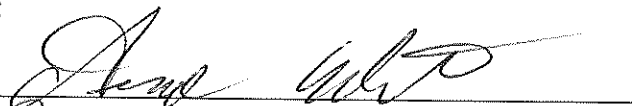
The board agreed a public hearing will be held and Treeline will be notified of date and time.

Discussion was held with the board, health inspectors and public health nurse Cheryl Rawinski regarding the E.coli case, which remains under investigation.

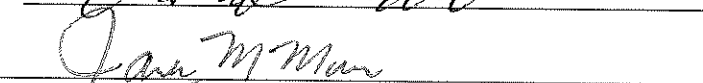
A motion to adjourn at 11:50 A.M. was made by Judy O'Connor. Seconded by Jim Morin. Vote unanimous.

Minutes approved:

Armand White



James Morin



Judith O'Connor

